

MINUTES

MONTANA SENATE 65th LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: Vice Chair Fielder, on April 5, 2017 at 9:00 AM, in Room 303 Capitol

ROLL CALL

Members Present:

Sen. Keith Regier, Chair (R)
Sen. Jennifer Fielder, Vice Chair (R)
Sen. Carlie Boland (D)
Sen. Jen Gross (D)
Sen. Steve Hinebauch (R)
Sen. Jedediah Hinkle (R)
Sen. Margaret (Margie) MacDonald (D)
Sen. Scott Sales (R)
Sen. Diane Sands (D)
Sen. Nels Swandal (R)
Sen. Chas Vincent (R)

Members Excused: None

Members Absent: None

Staff Present: Julianne Burkhardt, Legislative Branch
Charlene Devine, Committee Secretary

Audio Committees: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

Committee Business Summary:

Hearing & Date Posted: HB 600, 4/3/2017
Executive Action: SR 54, Be Adopted; HB 303 Be Concurred In As Amended; HB 478, Be Tabled; HB 277, Be Tabled

00:00:04 Vice Chair Fielder assumed the role of the chair.

HEARING ON HB 600

Opening Statement by Sponsor:

00:01:16 Rep. Frank Garner (R), HD 7, opened the hearing on HB 600, Generally revise victims' rights laws.

Proponents' Testimony:

00:06:05 Jon Bennion, Montana Department of Justice (DOJ)

00:17:05 Brad Griffin, Montana Retail Association

00:17:10 Chair Regier entered the hearing.

00:18:00 Sen. Swandal entered the hearing.

00:19:22 Adrian Cotton, Montana Department of Corrections

00:21:35 Leo Gallagher, Lewis and Clark County attorney, Montana County Attorney Association

00:31:53 Melinda Reed, director, The Friendship Center

00:35:48 Nanette Gilbertson, Montana Sheriffs and Peace Officers Association

00:36:42 Rich McLane, Montana Association of Chiefs of Police, Bozeman

00:44:04 Sara Sexe, City of Great Falls

00:49:01 Kelly Lynch, Montana League of Cities and Towns

00:49:26 Kelsen Young, Montana Coalition Against Domestic and Sexual Violence

Opponents' Testimony:

00:52:43 Chuck Denowh, Marsy's Law for All

Informational Testimony: None

Questions from Committee Members and Responses:

00:57:09 Chair Regier

01:00:06 Mr. Bennion, DOJ

01:00:36 Sen. Hinkle

01:01:02 Mr. Bennion

01:02:19 Sen. Gross

01:04:10 Mr. Bennion

01:05:58 Sen. Sands

01:06:57 Rep. Garner

01:08:26 Sen. MacDonald

01:10:59 Rep. Garner

01:12:07 Sen. Hinkle

01:12:59 Rep. Garner

Closing by Sponsor:

01:13:33 Rep. Garner
01:15:04 Chair Fielder
01:15:14 Sen. Regier assumed the role of the chair.
01:15:31 Recess
01:25:37 Reconvene

EXECUTIVE ACTION ON SR 54

01:25:56 **Motion:** Sen. Fielder moved that **SR 54 BE ADOPTED.**

Discussion:

01:26:15 Chair Regier
01:26:42 Sen. Swandal
01:28:14 Chair Regier
01:28:25 President Sales
01:29:09 Sen. Boland

01:30:20 **Vote:** Motion carried unanimously by voice vote.

EXECUTIVE ACTION ON HB 478

01:30:55 **Motion/Vote:** Sen. Gross moved that **HB 478 BE TABLED.** Motion carried 9-2 by voice vote with Sen. Hinkle and Sen. Swandal voting no.

EXECUTIVE ACTION ON HB 277

01:32:21 **Motion:** Sen. Fielder moved that **HB 277 BE CONCURRED IN.**

Discussion:

01:33:06 Chair Regier
01:37:29 Sen. Swandal
01:38:36 Sen. Sands
01:38:54 Sen. Swandal

01:39:15 **Vote:** Motion failed 3-8 by roll call vote with Sen. Hinebauch, Sen. Hinkle and Sen. K. Regier voting aye.

01:40:19 **Motion/Vote:** Sen. Fielder moved that **HB 277 BE TABLED AND THE VOTE REVERSED.** Motion carried unanimously by voice vote.

EXECUTIVE ACTION ON HB 303

01:40:25 President Sales left the hearing.

01:40:55 **Motion:** Sen. Sands moved that **HB 303 BE REMOVED FROM TABLE.**

Discussion:

01:42:20 Chair Regier

01:42:22 Sen. Sands

01:42:39 Sen. Fielder

01:42:47 Julianne Burkhardt, Legislative Services Division

01:42:53 Sen. Sands

01:44:20 **Vote:** Motion carried 6-5 by roll call vote with Sen. Fielder, Sen. Hinebauch, Sen. Hinkle, Sen. K. Regier and Sen. S. Sales voting no. Sen. S. Sales voted by proxy. (Motion carried 6-4. Proxy votes cannot be used)

01:44:30 Sen. Vincent

01:45:12 **Motion:** Sen. Sands moved that **HB 303 BE CONCURRED IN.**

01:45:39 **Motion:** Sen. Sands moved that **HB 303 BE AMENDED.**
EXHIBIT(jus71a01)

Discussion:

01:46:23 Sen. Sands

01:47:55 Sen. MacDonald

01:48:10 **Motion:** Sen. Fielder moved to **SEGREGATE SECTION 2 FROM AMENDMENT HB030301.AJB.**

Discussion:

01:48:36 Sen. Fielder

01:49:26 Sen. Swandal

01:50:09 **Vote:** Motion carried 9-2 by voice vote with Sen. Gross and Sen. Sands voting no. Sen. S. Sales voted by proxy.

01:50:40 **Vote:** Motion carried 10-1 by voice vote with Sen. K. Regier voting no. Sen. S. Sales voted by proxy.

01:51:23 **Motion:** Sen. Sands moved that **HB 303 BE CONCURRED IN AS AMENDED.**

Discussion:

01:51:55 Sen. Sands

01:52:08 Chair Regier
01:52:38 Sen. Vincent
01:53:20 Chair Regier
01:53:28 Sen. Hinebauch
01:53:53 Sen. Sands
01:54:38 Chair Regier
01:54:45 Sen. Hinkle
01:55:03 Sen. Sands
01:55:36 Sen. MacDonald
01:56:46 Sen. Sands
01:57:04 Sen. Hinkle
01:57:12 Sen. Sands
01:57:42 Sen. Boland

01:58:24 **Vote:** Motion carried 8-3 by roll call vote with Sen. Hinebauch, Sen. K. Regier and Sen. S. Sales voting no. Sen. S. Sales voted by proxy. Sen. Sands will carry the bill.

01:59:20 Chair Regier

ADJOURNMENT

Adjournment: 11:00 AM

Charlene Devine, Secretary

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Additional Documents:

EXHIBIT([jus71aad.pdf](#))